



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

March 26, 2004

The Honorable Spencer Abraham
Secretary of Energy
U.S. Department of Energy
1000 Independence, S.W.
Washington, D.C. 20585

Dear Mr. Secretary:

The American College of Occupational and Environmental Medicine (ACOEM) was very pleased to see publication of the Department's Interim Final Rule, *Guidelines for Physician Panel Determinations on Worker Requests for Assistance in Filing for State Worker's Compensation Benefits*. The amendments made by the rule will streamline the Physician Panel process by reducing from three to one the minimum number of physicians required for an affirmative physician Panel determination.

The reduction in Panel size is one of many recommendations that the College has made to the Department over the last two years to increase the pace at which cases are being processed under Part D of EEOICPA by improving Panel productivity while ensuring uniformity and consistency in Panel decisions. We, along with others, were frustrated that the Department did not react quickly enough when it became apparent that the EEOICPA was a much larger program than originally anticipated. ACOEM is an international organization of 6,000 occupational physicians and other health care professionals that provide leadership to promote optimal health and safety of workers, workplaces, and the environment.

We are optimistic that the Department has the program back on course and that the Department's Plan, *EEOICPA Part D Path Forward*, will meet the goal of eliminating the backlog of cases by the end of 2006. The Interim Final Rule is a strong first step, provided the other elements in the plan are also implemented.

From ACOEM's perspective, an important element of the plan is increasing the number of physicians on the Panels, which can be done. First, there is consensus that the current cap on the level of pay for physician Panel members is at a level well below the market rate for such services. Raising the cap will increase the pool of qualified physicians interested in participating on the Panels. We are hopeful that this consensus will result in prompt action by the Congress.

Second, the effort to recruit qualified physicians needs to more be focused in its approach. The College is currently in discussions with NIOSH to undertake a major recruiting effort of qualified physicians to serve on the Panels. An MD Recruiting Center, established within ACOEM, would reach out throughout the country to identify qualified physicians to apply to NIOSH for certification to the Physician Panels.

As the pace of the Physician Panels increases, the Department will want to be careful that the quality of Panel reviews does not suffer due to haste. Physician Panel members will need to be trained and procedures will need to be in place for the purpose of ensuring uniformity and consistency with respect to the quality of the Panel reports and final decisions when exposures and disease are similar.

Again, we think that the Department's plan has merit, and we look forward to working with you in its implementation.

Sincerely,

John Holland, MD, MPH
President